

REMARKS/ARGUMENTS

The Examiner is requiring an election of species from among the compounds contained in the claims.

Applicants provisionally elect the species (*2S,4E* and *4Z*)-*N*-[(*2S*)-2-hydroxy-2-phenylethyl]-4-(methoxyimino)-1-[(*2*'-methyl[1,1'-biphenyl]-4-yl)carbonyl]-2-pyrrolidine carboxamide, with traverse on the grounds that no adequate reasons and/or examples have been provided to support a conclusion that the species of the claims lack unity of invention.

Moreover, the MPEP at § 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all of the species in the claims would not impose a serious burden on the Office.

Additionally, Applicants state that Claims 1-12 encompass the above-noted species.

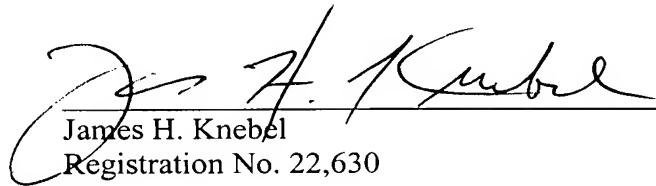
Finally, Applicants respectfully submit that, should the method with respect to the elected species be found allowable, the Office should expand its search to the method with respect to the non-elected species.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon



James H. Knebel  
Registration No. 22,630

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220  
(OSMMN 06/04)